

NOTIFICATION

Housing Department,
Mantralaya, Mumbai-400 032.
Dated the 25th August 2009.

Maharashtra
Ownership
Flats
(Regulation of
the promotion
of construction,
Sale,
management
and transfer)
Act, 1963

No.FOB-2008/CR.170/RR-

II.- The following draft of rules further to amend the Maharashtra Ownership Flats (Regulation of the Promotion of Construction, Sale, Management and Transfer) Rules, 1964, which the Government of Maharashtra proposes to make in exercise of the powers conferred by sub-section (1) of the section 15 of the Maharashtra Ownership Flats (Regulation of the Promotion of Construction, Sale, Management and Transfer) Act, 1963 and of all other powers enabling it in this behalf, is hereby published as required by sub-section (1) of the said section 15 for

the information of all persons likely to be affected thereby; and notice is hereby given that the said draft will be taken into consideration by the Government of Maharashtra after the 16th day of October 2009.

2. Any objections or suggestions which may be received by the Secretary to the Government of Maharashtra, Housing Department Mantralaya, Mumbai 400 032, from any person with respect to the said draft on or before the aforesaid date will be considered by Government.

DRAFT RULES

The Maharashtra Ownership Flats (Regulations of the Promotion of Construction, Sale, Management and Transfer) (Amendment) Rules, 2009.

1. **Short Title:** - These rules may be called the Maharashtra Ownership Flats (Regulations of the Promotion of Construction, Sale, Management and Transfer) (Amendment) Rules, 2009.

2. **Definitions:** - **Rule 2** shall be replaced and shall be read as under:

In these rules, unless the context otherwise requires:-

(a) “Act” means the Maharashtra Ownership Flats (Regulations of the Promotion of Construction, Sale, Management and Transfer) Act 1963, {Mah. XLV of 1963};

(b) “ Apex Body or Federation ” means a separate independent legal body, Co-operative Housing Federation, Company , firm or association or any other legal entities formed under the applicable laws to obtain the conveyance of entire Layout Plot, common areas and the facilities in its name with clear mention about the percentage or share of undivided right, title and the interest of individual members/ partners/ entities on such Layout Plot and the common areas and the facilities. The societies, company, persons, associations who are managing or will be managing their own building or buildings or structures, wings in a Layout Plot under the applicable laws shall be the members/ partners of such apex Body or the Federation . The Apex Body or the Federation shall manage and administer the entire Layout Plot, common areas and facilities for the benefit of its members/ partners and collect contribution from members/ partners towards the common expenses incurred or to be incurred thereof by them.

(c) “ Association or condominium ” means any property consisting of building or buildings, is constructed or to be constructed and the promoter submits such property to the provisions of the Maharashtra Apartment Ownership Act, 1970 (Mah. XV of 1971) by executing and registering a Declaration as provided by that Act.

(d) “Carpet Area of a Flat” means the carpet area as defined by a Local Authority or Town Planning Authority in accordance with building rules or building bye-laws or Development Control Rules made under any law for the time being in force.

(e) “Common Areas and facilities in Layout Plot” means and include open spaces, play ground, paths, pathways, alleyways, roads, garden or gardens located outside the area of any building or buildings or wings or structures, street lights, securities, water and electric supply, water tanks, club house and other open space, Swimming Pool,

recreational facilities, etc. provided or to be provided by the Promoter within the Layout Plot.

(f) “Conveyance” means sale, Transfer of property, lease, sub-lease and/or assignment as provided under Transfer of Property Act, 1882.

(g) “ Declaration “ means the Declaration as defined under Maharashtra Apartment Ownership Act, 1970 and includes the instrument by which the property is submitted to the provisions of Maharashtra Apartment Ownership Act, 1970, as provided by section 2 of that Act, and which has been lawfully amended from time to time.

(h) “Form” means a form appended to these rules.

(i) “FSI or Floor Space Index” means the built up area allowed to be constructed on a piece of land as per the Local Authority or Town Planning Authority in accordance with building rules or building bye-laws or Development Control Rules made under any law for the time being in force.

(j) “Layout Plot or Complex ” means a scheme or project of development with common areas and facilities consisting of two or more buildings or structures or wings constructed or to be constructed by the promoters on one or more plots of land so amalgamated and approved as such by the Local Authority or Town Planning Authority in accordance with building rules or building bye-laws or Development Control Rules made under any law for the time being in force.

(k) “ Legal Body/ Entity” includes a Society registered under Maharashtra co-operative societies Act, 1960 or a Company registered under Companies Act, 1956 or an Association/ Condominium formed by submitting a Declaration under Maharashtra Apartments Ownership Act, 1970 of the flat purchasers in a building or buildings to manage and regulate its affairs as per the provisions of the applicable Laws and the internal Rules and regulations (Bye-laws) as made applicable to them. It also includes an association of persons registered as a society under Society Registration Act, 1860 or under Bombay Public Trust Act, 1950 or a Firm registered under Indian Partnership Act, 1932 or any other legal entities registered under any applicable laws for the time in force for the purpose of management of any building/s , its common areas and the facilities as per the provisions of the law and the set rules and regulations applicable to its members / Partners as agreed between them from time to time.

(l) “Member” means a member of a duly registered co-operative Housing Society under Maharashtra Co-operative Societies Act, 1960 or a member of the Company Registered under the Companies Act, 1956 or an apartment owner who has submitted his apartment under Maharashtra Apartment Ownership Act, 1970 or any person who has purchased the flat or shop or unit from the developer/ builder/ Promoter under the Act or a legal entity or person/s who has/ have joined as a member of Apex Body or Federation in a Layout Plot ;

(m) “Pleader” means a pleader as defined in clause (15) of section 2 of the Code of Civil Procedure, 1908;

(n) “Section” means a section of the Act

(o) “Sub-Registrar” means the concerned registering officer appointed under Indian Registration Act, 1908

(p) Words and expressions used but not defined in these Rules shall have the meanings assigned to them in the Act .

3. **Rule 9** shall be renumbered as sub-rule (1) thereof and after sub-rule (1) as so renumbered, the following sub-rule shall be inserted, namely:-

(2) In case of Layout Plot, the promoter / Land Owner shall convey to the legal entities within the specified time, the exclusive rights, title and interest in the building/s and the structure of the promoter, managed by them and the proportionate undivided share, title and interest in the Layout Plot, common areas and the facilities provided or to be provided calculated based on the total FSI permissible on such Layout Plot as per the prevailing law in force at the time of approval of plans for constructions of such building/s by the local authorities or the town planning rules or the Development control Rules. Notwithstanding the above, on the date of conveying the properties to the legal entities, if there is any balance FSI available or any benefits of Transfer of Development rights in respect of unutilized FSI, the same shall be available to the promoter for development on such Layout Plot without any hindrance by the flat purchaser/s and which has been disclosed at the time of purchase of such flats. The promoter cannot withheld the conveying the land and the building to the legal entities for want of further development in unutilized area / FSI or for want of formation of Federation or Apex by the legal entities on such Layout Plot.

- (3) Where the legal entities functioning in a Layout Plot have formed the Apex Body or the Federation, the conveyance, if desired by such legal entities can be executed in favour of Apex Body or the Federation. The Apex Body or the Federation also can be formed by the legal entities on a Layout Plot to manage and administer the common areas and the facilities without having any legal rights, title and the interest in the property in such a Layout Plot and all such legal rights, title and the interest is transferred to the respective legal entities as described in sub-rule (2) above.
- (4) The promoter shall submit a copy of the duly registered conveyance deed as provided under the Act or Declaration conveying rights, title and interest in the land and the building executed in favour of the society registered under Maharashtra Co-Operative Societies Act, 1960 or the company registered under the Companies Act, 1956 or the association/condominium of the flat purchasers submitted under Maharashtra Apartment Ownership Act, 1970, as the case may be, to the Competent Authority within two months from the date of execution and registration thereof.

4. **Rule 11** shall be added as under:-

(1) Presentation of applications:

(a) Every application filed under section 5,10, 11, 13(4) and 13(5) shall be presented in person by the applicant or by their duly appointed agent, to the Competent Authority during the office hours of the Office of the Competent Authority or sent to him by registered post. Where applications are sent by post, they shall not be accepted unless due postage has been paid.

(b) Where an application is signed and presented by an agent, it shall be accompanied by a letter of authority appointing him as such and duly signed by the applicant and accepted by the agent.

(c) Every application shall be made in accordance with the provisions of the Act, the rules and notifications and shall affix the court fee stamps as provided for in these rules for such application.

(d) Every application shall—

- (i) be either typewritten or written in ink in legible handwriting;

- (ii) specify the name and address of the applicant and also those of the opponent;
- (iii) state clearly the grounds on which the application is made;
- (iv) state precisely the relief which the applicant is seeking;
- (v) be tendered in such number of sets as required depending on the number of opponents involved.
- (vi) accompany certified copy of the resolution authorizing the applicant to file the application when the same is filed for group of persons / flat purchasers or on behalf a body corporate or a legal entity

(2) Notice of date of hearing:

The Competent Authority shall issue necessary notice to the concerned parties for hearing and publish/display the dates fixed for the hearing thereof on the office notice board sufficiently in advance.

(3) Place of hearing:

All applications filed under section 5, 10, 11, 13(4) and 13(5) shall ordinarily be heard at the respective offices of the Competent Authority.

(4) Office hours:

The Office of the Competent Authority shall observe the same office hours as other offices of the Government of Maharashtra. It shall remain closed on Sundays and on such other days as may be declared to be holidays for such offices by the State Government.

(5) Applications under Section 5:

- (a) Every application filed under section 5 shall be in form VI and shall affix court fees stamp of Rs.500/-
- (b) Every such application shall be accompanied by certified copies of the registered Agreement for sale entered into with the promoter/opponent party and the proof of payments made to the promoter/ opponent party.
- (c) Every application under section 5 shall invariably make the persons, firm or the company or its partner or the director and every person involved in the

collection of moneys from the flat purchasers for the management of the building/s or the structures and who is liable for disclosure of information provided therein including the promoter prescribed under the Act as opponent/s.

(6) Applications under Section 10:

- (a) Every application filed under section 10 shall be in form VII and shall affix court fees stamp of Rs.1000/-
- (b) Every such application shall be accompanied by, wherever possible, certified copies of the following documents:
 - i) the registered Agreement for sale entered into with the promoter/opponent party
 - ii) 7/12 Extract, Village form No. 6 (Mutation Entries)
 - iii) Property card,
 - iv) Title and Search Report issued by an Advocate
 - v) Non-Agricultural Order
 - vi) Plan approved by the appropriate authority,
 - vii) Commencement Certificate,
 - viii) Completion Certificate,
 - ix) Occupation Certificate,
 - x) List of Flat Purchasers and unsold flats
 - xi) Proof of payment of Stamp Duty & Proof of Registration of at least 60% of the flat purchasers in the building/s.
 - xii) Legal notice send to the promoter demanding the formation of the society or the association or the company as provided under the Act.
- (c) Every application under section 10, wherever possible, shall make the persons, firm or the company or its partner or the director, land owner, mortgagee and every person involved or flat purchasers or who bring hurdles in the process of formation of the society or the company or the association as the case may be, including the promoter prescribed under the Act, as opponents.

(7) Applications under Section 11:

- a) Every application filed under section 11 shall be in form VIII and shall affixed with the court fees stamp of Rs.2,000/-
- b) In case of Layout Plot, the application shall be made out as under:
 - (i) Where, the Layout Plot is already sub-divided in proportion to the area constructed of respective

building/s and is being managed by separate legal entity, the applicant shall make an application for an exclusive rights on the buildings and the appropriate portion of land appurtenant thereto and the necessary evidence of sub-division of the layout plot / respective property cards need to enclosed.

- (ii) Where, the societies or the companies or the associations or the persons having structures in the Layout Plot have formed or registered an Apex Body or a Federation and such an Apex Body or the Federation so formed or registered can apply for conveying the rights, title and the interest of the promoter in all the buildings or structures and the land in the Layout Plot, common areas and the facilities in favour of such Apex Body or the Federation in which all the societies, companies, associations or the persons managing the building or buildings shall become a member/s or partner thereof.
- (iii) Where the Layout Plot is not sub-divided or the applicants does not want to carry out the sub-division or the sub division is not possible being common areas and the facilities spread out in the layout Plot , an Apex Body or a Federation is not formed or not intended to be formed by them, the entities managing their structures independently can make a joint or separate applications to the competent authority enforcing a separate conveyance or a joint conveyance conveying the undivided rights, title and interest in the Layout Plot , common areas and facilities to the respective entities and exclusive rights, title and the interest in the building which are being managed by them. The Federation or the Apex Body may be formed only to mange and look after the common areas and the facilities, collect the contribution thereof and spend for the purpose for which it is collected without having any legal ownership/ lease rights, title or interest in Layout Plot or the common areas and the facilities.
- (iv) The application shall give compete description of proportion rights, title and interest of each of the entities managing the constructed building/s or the entities to be formed for the buildings to be constructed in the Layout Plot under a scheme or project of development in Layout Plot as approved by

the local authority in accordance with the building rules and building bye-laws or Development Control Rules made under any law for the time being in force at the time of commencement of scheme or the project of development in Layout Plot and shall accompany a certificate from the practitioner Architect about each entities entitlement of undivided interest in the Layout Plot, common areas and the facilities in the Layout Plot or a certified copy of Layout Plot scheme or the project of development as approved by the appropriate authorities, if available.

(v) where the application is filed separately by each of the entities , every other entities or persons having their building or structures on such Layout Plot, land owner/s, promoters and all other interest parties shall be made the opponent in the application. Where the applicant has failed to make such other interested parties as opponent and on knowing such fact, the competent authority shall direct, the applicant to make all such other interest parties as opponents/ parties to the application. The Competent Authority shall give a reasonable opportunity of being heard of all such other parties before issuing any certificate of unilateral conveyance to the applicant.

- c) Every application shall accompany, wherever possible, the certified copy of the following documents:
- i) the registered Agreement for sale entered into with the promoter/opponent party
 - ii) 7/12 Extract and Village form No.6 (Mutation entries)
 - iii) Property card,
 - iv) Location Plan
 - v) City survey plan or survey plan from the revenue department.
 - vi) Layout Plot plan approved by the local authority
 - vii) Architect certificate about the entitlement of undivided interest in the entire Layout Plot, common areas and the facilities by each of the entity or the structure constructed or to be constructed on such Layout Plot.
 - viii) Latest Title and Search Report for last 30 years from an advocate,
 - ix) Non-Agricultural Order
 - x) Certificate under Urban Land Ceiling Act, 1976
 - xi) Building/ Structure Plan approved by the appropriate authority,

- xii) Commencement Certificate,
 - xiii) Completion Certificate,
 - xiv) Occupation Certificate,
 - xv) List of Flat Purchasers
 - xvi) Proof of payment of Stamp Duty
 - xvii) Proof of Registration, etc.,
 - xviii) Development agreement or power of attorney or agreement for sale executed by the landlord with the promoter for development or for transferring the right, title and the interest in the land in favour of the promoter.
 - xix) Any other land or building related documents papers in support of the application.
 - xx) Legal notices send to the Promoter and other interested parties to execute the conveyance deed or declaration as provided under Maharashtra Apartments Act, 1970 in favour of the applicant/s.
 - xxi) Draft conveyance deed / Declaration proposed to be executed in favour of the applicant.
- (d) Every application under section 11, wherever possible, shall make the persons, firm or the company or its partner or the director, land owner, mortgagee and every person involved or flat purchasers, member or who bring hurdles in the process of conveying the land and the building including all the common areas, construction and the facilities on the said land in favour of the society or the company or the association or common entity , as the case may be , including the promoter prescribed under the Act, as opponents.

(8) Applications under Section 13(4) and 13(5):

- (a) Every application filed under section 13(4) and 13(5) shall be in form IX and shall affix court fees stamp of Rs.500/-
- (b) Every such application shall be accompanied by certified copies of the order passed by the appropriate authority or the court convicting the promoter of any offence under this Act.
- (c) Every application under section 13(4) and 13(5) shall invariably make the persons, firm or the company or its partner or the director and every person involved in the offence and whom court has convicted for any offence under this Act including the promoter prescribed under the Act as opponent/s.

(9) Scrutiny of applications and notice to the parties:

- (a) On receipt of an application, the office of the competent authority shall endorse on it the date of its receipt by him.

The office of the “competent authority” shall satisfy that the application is complete in all respects and thereafter proceed to register it in the register maintained for the purpose in form No. X.

(b) If the application is not complete, the competent authority may send notice in the prescribed form, upon the applicant/s to rectify or comply with, such requirements as he may deem fit to conform with all the provisions of the Act, and these Rules. The notice to rectify or comply with the requirements shall be in form XI.

(c) On compliance of the requirements under sub-clause (b), the application shall be registered. If the requirements are not complied with, within the period specified under sub-clause (b), the Competent Authority shall dismiss the application.

(d) On registering the application the Competent Authority shall, within fifteen days, issue a notice in form XII to the opponent/s requiring him to file his written statement on the day, date and place as specified in the notice. Such notice shall be served by registered post acknowledgment due or under certificate of posting on the last known address.

(e) The competent authority shall also issue a public notice at the cost of the applicant/s in two daily news papers having wide circulation of which at least one should be in Marathi Language inviting, the claims, objections, demands and interest of any person in the suit property. Such public notice shall be in form XIII giving at least 15 days notice to the opponent / any other interested parties to appear and file his say his defence against the application filed before the Competent Authority.

(10) Appearance of parties and consequence of non appearance :

(a) On the date fixed as aforesaid, the opponent shall appear either in person or through his advocate or his authorized representative before the Competent Authority and shall file a written statement in defence. The Competent Authority may grant adjournment for a period not exceeding fifteen days in the first instance to file a written statement.

- (b) On the date of hearing, if the applicant appears and the opponent or any of the opponents, if more than one, does not or do not appear, as the case may be, the Competent Authority shall satisfy himself that all the opponents are duly served the notices and order the applicant to prove and justify the prayers made in the application on the next date and decide the application ex-parte;

Provided that, before deciding the application, if the opponent appears and shows a sufficient cause for his previous non- appearance on the earlier occasions, he shall be heard in the matter as if he had appeared before the Competent Authority on the first day.

- (c) If on the date fixed for hearing or on any other day to which the hearing may be adjourned, the applicant does not appear either in person or by his agent or pleader when application is called for hearing, the competent authority may dismiss the application or may decide it on merits after hearing the opponent or his agent or pleader, if present.
- (d) If, on the date fixed for hearing or any other day to which the hearing may be adjourned, the opponent/s does/do not appear either in person or through his/their agent or pleader when the application is called for hearing, the competent authority may decide the same on merits after hearing the applicant or his agent or pleader, if present.

(11) Production and inspection of documents:

- (a) The parties shall file the documents referred to in the pleadings at the time of filing application and statement of defense, as the case may be. If either party satisfies the Competent Authority that any document is relevant and the same is in the custody of the opposite party, the Competent Authority, by an order in writing, direct such party to produce such document on the next date of hearing. However, no such application shall be entertained from the opponent before filing his written statement in defence.
- (b) If the party so ordered, fails to produce such documents on the next date of hearing, the Competent Authority may draw adverse inference against such party and hearing of the original application shall not be postponed till filing of

documents or for the reasons of such non compliance of the order

- (c) If the Competent Authority is satisfied that the documents required to be produced, cannot be brought before the Competent Authority for sufficient reasons like its volume or otherwise, the Competent Authority may allow the opposite party to take inspection of the documents within seven days from the date of order of such inspection.
- (d) If the Competent Authority is satisfied that the opponent had no access to the documents earlier and the filing of additional statement is necessary he may allow the filing of such additional statement. In no other case, such additional statement shall be allowed to be filed.

(12) Procedure for hearing the application :

- (a) On receipt of the statement in defence of the opponent, the applicant shall prove contents of the application and also deal with the contention of defences. The opponent likewise may file reply in support of the defence on the next date, if he desires. No cross-examination of any of the parties shall be permitted.
- (b) On receipt of the replies, the Competent Authority shall proceed to hear oral arguments of the parties and shall close the proceedings for the order
- (c) The Competent Authority within reasonable time and in any case not later than six months, after making such enquiry deemed necessary and after verifying the authenticity of the documents submitted by the parties and after hearing them and giving the parties sufficient opportunities as required under the law of natural justice shall pass such appropriate order as deems fit as provided under the Act and these Rules.

(13) Judgment, Order and Certificate:

- (i) (a) When the hearing of an application filed under section 5, is complete, the competent authority shall issue necessary speaking order in form XIV incorporating therein the say of the applicant/s, reply/replies by the opponent/s, arguments made by the parties and the decision taken by him with the appropriate reasoning.

- (b) When the hearing of an application filed under section 13(4) and 13(5), is complete, the competent authority shall issue necessary speaking order in form

XV incorporating therein the say of the applicant/s, reply/replies by the opponent/s, arguments made by the parties and the decision taken by him with the appropriate reasoning.

(c) When the hearing of an application filed under section 10 is complete, the competent authority shall issue necessary speaking order in Form XVI incorporating therein, the say of the applicant/s, reply/ replies f\by the opponent/s, arguments made by the parties and the decision taken by him with the appropriate reasoning. The above speaking order made by the Competent Authority ,wherever appropriate, shall include, necessary direction to the Registrar to register the society after completing the necessary formalities prescribed under Maharashtra Co-operative Societies Act, 1960.

(d) When the hearing of an application filed under section 11 is complete, the competent authority shall issue necessary speaking order in Form XVII incorporating therein, the say of the applicant/s, reply/ replies f\by the opponent/s, arguments made by the parties and the decision taken by him with the appropriate reasoning The speaking order made by the competent authority, wherever appropriate, shall include, a certificate that such society or as the case may be, company or association or persons jointly or severally or as an Apex Body or a Federation is entitled and is a fit case for enforcing unilateral execution of conveyance deed conveying the right, title and interest of the promoter in the land and building in their favour and to have it registered and shall appoint an authorized officer from the office of the competent authority to enforce , to execute and to register the Conveyance deed on behalf of the opponent/s under Indian Registration Act, 1908 or to prepare, execute and register a declaration and bye-laws as provided under Maharashtra Apartments Ownership Act, 1970 as the case may be. The appointment of Authorized Officer shall be in Form XVIII and the authorized officer shall execute the necessary conveyance deed or the declaration as provided under Maharashtra Apartments Ownership Act, 1970 and shall issue a letter addressed to the concerned sub-registrar in form XIX exempted from appearing before him being a government servant as provided under section 88 of the Indian Registration

Act, 1908 to facilitate the applicant to register the conveyance deed or the declaration as the case may be.

(e) The speaking order made by the competent authority in the case of Layout Plot under section 11, wherever appropriate, shall bring out clearly the right, title and the interest of each of the parties who have joined in the application or were made as the opponent/s and the manner, whether separately, jointly or as a common entity or certain percentage of undivided interest in the Layout Plot, common areas and the facilities, in which the right, title and interest of the promoter or the landlord or other interested parties in the Layout Plot. Common areas and the facilities to be conveyed to the applicant or persons or other entities managing or will be managing their affairs on such Layout Plot.

(f) On the receipt of the Order and the certificate of Unilateral deemed conveyance issued by the Competent Authority, the applicant shall prepare a conveyance deed or the Declaration under Maharashtra Ownership Apartments Act, 1970 as per the order of the competent authority, pay the appropriate stamp duty, get the same executed by the parties involved including the authorized officer appointed by the competent authority on behalf of opponents and submit the same with the order and the certificate of Unilateral deemed conveyance to the Sub- Registrar or the concerned appropriate Registration Officer under Indian Registration Act, 1908 for registration and in turn the Sub- Registrar shall, after completing the procedure prescribed under Indian Registration Act, 1908, register such conveyance deed or declaration to convey the right, title and interest of the promoter / land owner in the land and building in favour of the applicant/s or society or company or association or the common entity as the case may be.

(ii) Every Judgment, Order and the certificate of the competent authority shall be delivered or supplied or provided to all the concerned parties and same shall be in writing.

(14) Signing of Order and the notice and the official seal:

- (a) The competent authority shall have an official seal of its own, which shall be kept in custody of the competent authority.
- (b) Every judgment, order, certificate and the notice issued under the Act or these Rules shall be signed by the competent authority **and** shall affix the official seal on such judgment, order, certificate and the notice issued by the competent authority.
- (c) All the records of the competent authority shall be kept in the custody of the competent authority.

(15) Costs:

- (a) The costs of an application that may be considered and allowed by the competent authority shall be court fees, notice fees, application fees or any other fees and expenses paid into government treasury for filing the application under this Act or these Rules at the discretion of the competent authority
- (b) In its final order, the competent authority shall state who shall bear the costs and in what proportion, if any.

5. Following forms shall be added after Form V.

FORM VI
[SEE RULE 11(5)]

Model Form of application under section 5 of the Act for the purpose of obtaining the disclosure of information provided therein

Before the Competent Authority
Application u/s 5 of Maharashtra Ownership Flats
(Regulation of the Promotion of construction, Sale,
Management and Transfer) Act, 1963

Court Fees Rs.500/-

Application No. _____ of 20____

Applicant/s

Versus

Promoter/s
Opponent/s

The applicant/s state as under:-

1. The Applicant/s is/are the purchaser/s of flat/shop / Unit No_____ in building No._____which is known as_____ constructed on plot No._____ bearing Survey No._____ village_____, District :_____.(hereinafter referred to as the said building)
2. The said building has been constructed by opponent No____ and since the completion of the building, the common facilities of the said building is being managed by Opponent No._____ .
3. The Opponent No____ has collected Rs._____ from every flat purchasers Rs._____ as deposit as corpus, advance maintenance charges of Rs._____for the period of ____ month. He has been collecting thereafter monthly charges of Rs._____

(Complete description of any advance or deposit including any sums so taken by the promoter/s/ opponent/s towards the share capital for the formation of a co-operative society or a company, or association, or towards the outgoings (including ground rent, if any, municipal or other local taxes, taxes on income, water charges, electricity charges, revenue assessment, interest on any mortgage or other encumbrances, Transfer fees / donation/ premium / contribution for issuing necessary No objection or admitting the new purchaser as the

member of the proposed society / company/ association if any)

4. The copy of the agreement executed with the Promoter / Opponent is being annexed hereto as exhibit No._____
5. The copy of demand letter / Bill/ receipts issued by the Opponent No____ for the various advances / deposit and sums towards the outgoings for the maintenance of the said building is annexed hereto as exhibit No._____
6. The promoter / Opponent No. _____ has failed to provide all the details of transactions in respect of the advance / deposit / regular sum collected on various accounts from the flat purchasers in spite of several oral as well as written demand made by the applicant.
7. As mentioned above, the applicant had issued due notice by the registered post on_____ to the Promoter / Opponent and demanded the compete disclosure of money collected and the purpose for which the same has been spent and also informed them that; it the Promoter / Opponent fail to provide the said details, an application under section 5 of the Maharashtra Ownership Flats (Regulation of the Promotion of Construction, Sale, Management and Transfer) Act, 1963 before the competent Authority. Hence this application has been filed before the competent authority.
8. The applicant/s state/s that the details demanded by the applicant is legal and filed with bonafide intention and there is no lawful cause on the part of the Opponent / Promoter to deny the applicant's demand and hence the application should be decided favourably.
9. The cause of action has arisen in the jurisdiction of the Competent authority/ District Deputy Registrar, _____, Co-operative societies , District:_____ and the application has been properly filed.
10. The applicant prays that: :-
 - (a) The Promoter / Opponent should be directed to disclose and provide all the transactions in respect of advance/ deposit / regular charges collected from the flat purchasers from the beginning till date and the utilization thereof. (mention the period and the amount collected from the flat purchasers)
 - (b) The Promoter / Opponent should be directed to provide for costs of the application to be provided.
 - (c) For such other relief as this Hon'ble Competent Authority may deem fit.

In support of the above relief, I/ We enclose documents and papers as per the list attached hereto.

Date:-

Place: -

Applicants' Signature

VERIFICATION

I, SHRI _____ being the applicant/
Chief Promoter of proposed society and authorized representative
above named, residing at _____
floor _____.

_____do hereby
state on solemn affirmation that what is stated in the foregoing
application is true to my own knowledge and I believe the same to
be true.

Solemnly declared at _____

This _____ 20__.

Sd/-

Before me

Sd/-

Advocate for Applicants

sd

Notary Public

Note:-

1. When an applicant is a body corporate, a copy of the resolution of its committee or board of directors shall accompany the application.
2. Every such application shall be accompanied by certified copies of the following documents:
 - (i) the registered Agreement for sale entered into with the promoter/opponent party
 - (ii) The proof of payments made to the promoter/opponent party.
 - (iii) Copy of the demand letter / notice / Bill issued by the opponent on the applicant for collection of various charges, advance money etc.
 - (iv) Copies of demand letter or legal notice served on the Promoter / opponent for disclosure of transactions

(v) Application and enclosures should be tendered in such number of sets as required depending on the number of opponents involved.

3. Every application under section 5 shall invariably make every partner of the firm / director of the company / Trustees or any other person or the chairman, secretary or the treasurer of the adhoc committee or the office bearers of the flat owners association having control of the money collected from the flat purchaser as the opponent/s.

4. Such copies shall be tendered in such number of sets as required depending on the number of opponents involved.

FORM VII
[SEE RULE 11(6)]

Model form of application under section 10 of the Act to direct the concerned Registrar of co-operative societies to register the Society.

Before the Competent Authority

**Application u/s 10 of Maharashtra Ownership Flats
(Regulation of the Promotion of construction, Sale,
Management and Transfer) Act, 1963**

Court Fees Rs.1,000/

Application No. _____ of 20__

Applicant/s

Versus

Promoter/s
Opponent/s

THE APPLICANT/S ABOVE NAMED STATE AS FOLLOWS:

1. The Applicant is the chief promoter of _____ Co-operative Housing Society Ltd(Proposed) having its address at Plot No. _____ (address) _____ hereinafter referred to as the” **said proposed society**” for the sake of brevity. The proposed Society has been constructed on the Plot of land bearing No._____, hissa No._____ admeasuring _____sq.metres, hereinafter described as the **said land**.
2. The chief promoter has been elected in the meeting of flat owners held on _____ and the copy of the resolution is annexed and marked Exhibit –“A” .
3. The Opponent No.1 is the builder/ Promoter duly registered as a Private Limited Company/Partnership Firm under Indian Companies/Partnership Act. The Opponent No.2 is the Executive Director/Principal Partner/ legal heir of (for each defend some proof for making him/her defend should be given as an evidence- Copy of the duly registered agreement is annexed hereto as Exhibit No____.)
4. The Applicant states that the building of the Society consists of _____ wings / _____ building known as _____.

(give the description of each building like the number of flats/ shops / garage / row houses etc constructed on the said land. A list of flats, its area, name of the purchaser also should be annexed. If the Building is constructed as scheme or a development project under a Layout Plot as approved by the local authority or the plan approving appropriate authority the same should be mentioned and if there is an evidence, the same may be annexed as Exhibit No._____)

5. The Applicant state that the Defendant No.1 and their agents entered into agreement for sale of flats/ shops with the individual purchasers of the flat/ shop and entered into agreement for sale of the said flat/shop as required under section 4 of the Maharashtra Ownership Flats Act, 1963 and all such agreements are duly stamped as required under the Bombay Stamp Act, 1958 and also duly registered as required under the Registration Act, 1908.
6. The defendant No.1 and their agents have agreed to register the society or company or association of flat purchasers to maintain the building and common areas. The copy of the said agreement for sale executed with one of the flat/ shop purchaser MR/ Mrs_____with the defendant No 1 is enclosed herewith and marked as exhibit No. _____.
7. And a list of flat purchasers with the details of flat No., area, stamp duty paid, registration No., Registration fees paid etc is given in Exhibit No._____.
8. The Applicant states that the Applicant had written the 1st letter dated _____ and final notice dated _____to the Builder / developer / Opponent No.1 & 2 bringing to his notice that he/ she / they has/ have failed to register the society as provided under section 10 of Maharashtra Ownership Flats Act, 1963 and the Rules hereunder. Hereto annexed and marked Ex- “___” is the copy of the said letter/ Notices.)
9. The applicant further states that the flat owners in their meeting have elected the applicant as a chief promoter and also have authorized the applicant to register the society without the co-operation of the builder / Promoter / Opponent/s
10. The Applicant states that the Opponent No.1 to ___ their agents and servants are denying or not co-operating for registration of the society. The Applicant is, therefore, entitled to get the direction / order from this competent authority for registration of the society by the flat purchasers of the said building as per

the provisions of the Maharashtra Co-operative societies Act, 1960.

(Details of the sequence of events and the correspondence may be mentioned by the applicant here)

11. The Applicant will rely upon a list of documents which is annexed hereto.

12. The Applicant therefore pray that :

- a) That this Hon'ble Competent Authority be pleased to grant a direction/ order for registration of the society without the co-operation of the builder / Promoter/ Opponent and their agents specifically who have failed to comply with section 10 of the Maharashtra Ownership Flat Act 1963 regarding registration of the co-operative society.
- b) For costs of the application to be provided.
- c) For such other reliefs as this Hon'ble Competent authority may deem fit.

Sd/-

sd/-

Advocate for Applicant

Applicant

VERIFICATION

I, SHRI _____ being the applicant/
Chief Promoter of proposed society and authorized representative
above named, residing at _____
floor _____.

_____ do hereby
state on solemn affirmation that what is stated in the foregoing
application is true to my own knowledge and I believe the same to
be true.

Solemnly declared at _____

This _____ 20__.

Sd/-

Before me

Sd/-

Advocate for Applicants

sd

Notary Public

Note:-

1. When an applicant is a body corporate, a copy of the resolution of its committee or board of directors shall accompany the application.

2. Every such application shall be accompanied by certified copies of the following documents:
 - (i) the registered Agreement for sale entered into with the promoter/opponent party
 - (ii) The proof of payments stamp duty and registration receipt at least 60% of the flat purchasers.
 - (iii) Copies of Legal Notice/Letter send to the Promoter / opponent to register the co-operative Housing Society.
 - (iv) Application and enclosures should be tendered in such number of sets as required depending on the number of opponents involved.
 - (v) Every application shall invariably make every partner of the firm / director of the company / Trustees or any other person having control of the business of promoter as opponent
 - (vi) Land records like 7/12 Extract/ Property card,
 - (vii) Title and Search Report,
 - (viii) Non-Agricultural Order
 - (ix) Building approval documents like approved Plan copy by the appropriate authority,
 - (x) Commencement Certificate,
 - (xi) Completion Certificate,/Occupation Certificate,
 - (xii) List of Flat Purchasers
 - (xiii) Any other documents in support of the application.
3. Wherever possible, Applicant shall make the persons, firm or the company or its partner or the director, land owner, mortgagee and every person involved or flat purchasers or who bring hurdles in the process of formation of the society or the company or the association as the case may be, including the promoter prescribed under the Act, as opponents.
4. Such copies shall be tendered in such number of sets as required depending on the number of opponents involved.

FORM VIII
[SEE RULE 11(7)]

Model form of application under section 11 of the Act to issue a certificate of fit case of Unilateral Conveyance or registration of Declaration in favour of the applicant.

Before the Competent Authority
Application u/s 11 of Maharashtra Ownership Flats
(Regulation of the Promotion of construction, Sale,
Management and Transfer) Act, 1963

Court Fees Rs.2000/-

Application No. _____ of 20____

Applicant/s

Versus

Promoter/s
Opponent/s

THE APPLICANT/S ABOVE NAMED STATE AS FOLLOWS:

1. The Applicant is a Co-operative Housing Society/ Apex Body/ Federation / member of a co-operative Housing Society duly registered under the Maharashtra Co-operative Societies Act / member of the company or member of Apex Body / Federation / Apartment/ Flat Purchaser having registration No._____ having its registered office _____ at _____ Plot _____ No._____ (address)_____ hereinafter referred to as the” **said society/ Company/ Apex Body/ Federation/ proposed Association/Condominium** to submitted under Maharashtra Apartment Ownership Act, 1970” for the sake of brevity.
2. The Society / Company/ Apex Body/ Federation/ Proposed Association / Condominium is in possession of a Plot of land bearing Survey No._____, Hissa No._____, City Survey No._____ admeasuring _____sq.metres, hereinafter described as the **suit premises**. Hereto annexed and marked Exhibit –“A” is the copy of Registration Certificate of the said society/company/ Apex Body/ Federation.
3. The defendant No.1 is the Construction Company duly registered as a Private Limited Company/Partnership Firm

under Indian Companies/Partnership Act. The Defendant No.2 is the Executive Director/Principal Partner/ legal heir of builder and the Defendant No.3 is the land owner / their legal heirs of the suit premises and other defendants are the financier or the earlier developer or interested in the suit premises as _____. (for each defend some proof for making him/her defend should be given as an evidence.)

4. The Applicant states that the building of the Society consists of _____ wings / _____ building known as _____.

(give the description of each building like the number of flats/ shops / garage / row houses etc constructed on the suit premises. A list of flats, its area, name of the member also should be annexed)

Hereto annexed and marked Ex. "A-1" is the copy of Rough Sketch _____ of _____ the _____ building _____ at _____ Mumbai 4000_____, The approved plan duly certified by the local authority or appropriate building approval authority should be enclosed as an exhibit. (In case, the same is not available a letter to this effect from Local Authority / plan approval authority should be obtained and a sketch made of the building or the sale plan attached to agreement to be attached.)

5. The Applicant state that the Defendant No.2 and their agents entered into agreement for sale of flats/ shops with the individual purchasers of the flat/ shop and entered into agreement for sale of the said flat/shop as required under section 4 of the Maharashtra Ownership Flats Act, 1963 and all such agreements are duly stamped as required under the Bombay Stamp Act, 1958 and also duly registered as required under the Registration Act, 1908. The defendant No. 3 and their agents have agreed to transfer and have agreed to convey the suit premises with the entire building constructed there on (hereinafter referred to as the said property) to the duly registered society within four months of formation of the society. The copy of the said agreement for sale executed with one of the flat/ shop purchaser MR/ Mrs _____ with the defendant No 2 is enclosed herewith and marked as exhibit No. _____. And a list of present members with the details of flat No., area, stamp duty paid, registration No., Registration fees paid etc is given in Exhibit No._____.

6. The Applicant states that the Applicant had written the 1st letter dated _____ and final notice dated _____ to the

Chief Promoter/ Builder / developer / defend No.1, 2 and 3 and bringing to his notice that he/ she / they has/ have failed to convey the land and building in favour of the society within 4 months of registration of the society as provided under section 11 of Maharashtra Ownership Flats Act, 1963 and the Rules hereunder. Hereto annexed and marked Ex-“___” is the copy of the said letter/ Notices.)

7. The applicant further states that the Applicant is running their business and management by holding regular meeting of the Managing Committee and General Body and has requested the defendants and their agents to execute a conveyance in favour of the Society/ Company so that they can get the title to the property taxes transferred in their name. The Defendants have failed and neglected to execute a conveyance without reasonable cause with a malafide intention to wrongfully withholding the property and the defendants have not complied with various requests made applicant so far. (In case of Association/ Condominium to be submitted under Maharashtra Apartment Act, 1970 as per the desire of flat purchasers, the fact should be mentioned and the neglect of the promoter in complying with the provisions of the law should be brought out here)
8. The Applicant states that the defendant No.1 to ___ their agents and servants are denying or interested in denying the right, title and interest in the said land and the building in favour of the Applicant which they are legally entitled to have and enjoy as provided under the Act and the Rules.
9. The Applicant is, therefore, entitled to have a certificate issued by this competent authority for unilateral conveyance in respect of the suit premises in favour of the applicant society/ Company or get the direction for the land and the building submitted under Maharashtra Apartment Ownership Act, 1970 by registering the Declaration as per the latest amendment done in MOFA,1963.
10. Accordingly this competent authority be pleased to issue a certificate of entitlement of unilateral conveyance of land admeasuring _____sq. metres as specifically set out in (the property registration card) the copy of the agreement dated _____along with building situated at Plot No._____, bearing Survey No.____HissaNo.____at _____gunta,_____ Mumbai_____.in favour of the applicant as the same falls within jurisdiction of this Hon'ble Competent Authority. (In case the building is in a Layout Plot, the entire description of the Layout Plot such as area, common

areas and the facilities, built up area of each building/ structure etc and how the conveyance of the Layout Plot, common areas and the facilities required to be conveyed to the applicant or other interested entities or persons in the Layout Plot or as a Apex Body or the Federation or as Declaration. The documentary evidence like Layout Plot approved by the planning authority / local authority / Approved Building plan by the appropriate authority Architect Certificate etc as provided in the Rules be annexed as exhibit).

11. The Applicant will rely upon a list of documents which is annexed hereto.

12. The Applicant therefore pray that :

- a) this Hon'ble Competent Authority be pleased to grant a certificate of unilateral conveyance / Declaration in respect of suit premises along with structure standing thereon in favour of the applicant against the Defendants No.1, 2 and 3 and their agents specifically who have failed to comply with section 11 of the Maharashtra Ownership Flat Act 1963 regarding conveyance of land and building in favour of the society.
- b) This Hon'able Competent Authority be pleased to appoint an authorized officer to facilitate execution and registration of conveyance deed or declaration in favour of the applicant/ appropriate legal body on behalf and in place of opponents who have failed to discharge their legal obligations provided under the Act and the Rules.
- c) For costs of the application to be provided.
- d) For such other reliefs as this Hon'ble Competent authority may deem fit.

Advocate for Applicant

Applicant

VERIFICATION

I, SHRI _____ member of the Applicant and authorized representative above named, residing at _____ floor _____ Co-operative Housing _____ Society _____ Ltd. _____ do hereby state on solemn affirmation that what is stated in the foregoing

application is true to my own knowledge and I believe the same to be true.

Solemnly declared at _____

This _____ 20__.

Sd/-

Before me

Sd/-

Advocate for Applicants

sd

Notary Public

Note:-

1. When an applicant is a body corporate, a copy of the resolution of its committee or board of directors shall accompany the application.
2. Every application shall accompany , wherever possible, the certified copy of the following documents:
 - i) the registered Agreement for sale entered into with the promoter/opponent party
 - ii) 7/12 Extract and Village form No.6 (Mutation entries)
 - iii) Property card,
 - iv) Location Plan
 - v) City survey plan or survey plan from the revenue department.
 - vi) Layout Plot plan approved by the local authority
 - vii) Architect certificate about the entitlement of undivided interest in the entire Layout Plot, common areas and the facilities by each of the entity or the structure constructed or to be constructed on such Layout Plot.
 - viii) Latest Title and Search Report for last 30 years from an advocate,
 - ix) Non-Agricultural Order
 - x) Certificate under Urban Land Ceiling Act, 1976
 - xi) Building/ Structure Plan approved by the appropriate authority,
 - xii) Commencement Certificate,
 - xiii) Completion Certificate,
 - xiv) Occupation Certificate,
 - xv) List of Flat Purchasers
 - xvi) Proof of payment of Stamp Duty
 - xvii) Proof of Registration, etc. ,
 - xviii) Development agreement or power of attorney or agreement for sale executed by the landlord with the promoter for development or for transferring the right, title and the interest in the land in favour of the promoter.
 - xix) Any other land or building related documents papers in support of the application.

- xx) Legal notices send to the Promoter and other interested parties to execute the conveyance deed or declaration as provided under Maharashtra Apartments Act, 1970 in favour of the applicant/s.
 - xxi) Draft Conveyance deed / Declaration Proposed to be Executed and Registered.
3. Every application under section 11, wherever possible, shall make the persons, firm or the company or its partner or the director, land owner, mortgagee and every person involved or flat purchasers, member or who bring hurdles in the process of conveying the land and the building in favour of the society or the company or the association or common entity , as the case may be including the promoter prescribed under the Act, as opponents.
 4. Such copies shall be tendered in such number of sets as required depending on the number of opponents involved.

FORM IX
[SEE RULE 11(8)]

Model Form of application under section 13(4) and 13(5) of the Act for the purpose of directing the local authority not to grant permission to the promoter convicted under the offence committed under the Act for a specified period.

Court Fees Rs.500/-

Before the Competent Authority
Application u/s 13(4) and 13(5) of Maharashtra Ownership
Flats

(Regulation of the Promotion of construction, Sale,
Management and Transfer) Act, 1963

Application No. _____ of 20____

Applicant/s
Versus

Promoter/s
Opponent/s

The applicant/s state as under:-

1. The Applicant/s is/are the purchaser/s of flat/shop / Unit No_____ in building No._____which is known as_____ constructed on plot No._____ bearing Survey No._____ village_____, District :_____.(hereinafter referred to as the said building)
2. The said building has been constructed by opponent No___ and since the execution of the agreement with applicant, the opponent has defaulted and not complied with the provisions of Maharashtra Ownership Flats (Regulation of Promotion of Construction, Sale, Management and Transfer) Act, 1963.(hereinafter referred to as the said Act)
3. Being a promoter as provide under the Act, a case was filed against the opponent/s by the applicant.
4. The applicant is pleased to submit before the competent that all /the Opponent No___ has/ have been convicted by of an offence under the said Act and necessary order by the competent court has been passed against them.(hereinafter referred to as the said order)

5. The copy of the said order of the competent court is annexed hereto as exhibit No._____
(Complete description of the various offences and the conviction by the court should be mentioned here by the applicant.)
6. The copy of the agreement executed with the Promoter / Opponent is being annexed hereto as exhibit No._____
7. The applicant/s state/s that the details demanded by the applicant is legal and filed with bonafide intention and there is no lawful cause on the part of the Opponent / Promoter to deny the applicant's demand and hence the application should be decided favourably.
8. The cause of action has arisen in the jurisdiction of the Competent authority/ District Deputy Registrar, _____, Co-operative societies , District:_____ and the application has been properly filed.
9. The applicant prays that :-
 - (a) The Honourable Court be pleased to direct the local authority or the appropriate building construction approval authority directing not to grant permission to the promoter who has been convicted by the appropriate court under the offence committed under the Act for a period of 5 years commencing from _____.
 - (b) The Promoter / Opponent should be directed to provide for costs of the application to be provided.
 - (c) For such other relief as this Hon'ble Competent Authority may deem fit.

In support of the above relief, I/ We enclose documents and papers as per the list attached hereto.

Date:-

Place: -

Applicants' Signature

VERIFICATION

I, SHRI_____ being the applicant/ Chief Promoter of the proposed society / flat purchaser of the building known as _____ and authorized representative above

named, _____ residing _____ at _____
floor_____. _____

_____do hereby
state on solemn affirmation that what is stated in the foregoing
application is true to my own knowledge and I believe the same to
be true.

Solemnly declared at _____
This_____20__.

Sd/-

Before me

Sd/-
Advocate for Applicants

sd
Notary Public

Note:-

1. When an applicant is a body corporate, a copy of the resolution of its committee or board of directors shall accompany the application.
2. Every such application shall be accompanied by certified copies of the following documents:
 - (i) the order passed by the competent court.
3. Every application under section 13(4) and 13(5) shall invariably make every partner of the firm / director of the company / Trustees or any other person or other persons who has been convicted by the competent court.
4. Such copies shall be tendered in such number of sets as required depending on the number of opponents involved.

Form X
[SEE RULE 11(9)(a)]

Form of Register of applications received in the office of the Competent Authority under section 5, 10, 11 , 13(4) and 13(5) of the Maharashtra Ownership Flats (Regulations of the Promotion of Construction, Sale, Management and Transfer) Act, 1963

S N.	Date of recei pt & mod e of recei pt & case Num ber	Name & Addres s of the Applic ant/ and their pleade rs or agents , if any	Name & Address of the Applican t/ Oppone nts and their pleaders or agents, if any	Section under which applicati on is filed	No. & Date on which applicant to comply with the requireme nts and date of complianc e	Dates of hearin g and manne r of service of notice	Date of dispos al of the applic ation / order passed / certific ate issued	Date of complianc e of order/ appointme nt of authorize d officer / registratio n of society / conveyanc e deed etc	Rema rks
1	2	3	4	5	6	7	8	9	10

FORM NO XI
[SEE RULE 11(9)(c)]

Form of Notice to the applicant to comply with the requirements in the application filed under section 5,10,11, 13(4) and 13(5) of the Act.

Before the Competent Authority
Application u/s 5/ 10 / 11 /13(4) / 13(5) of Maharashtra
Ownership Flats
(Regulations of the Promotion of construction, Sale,
Management and Transfer) Act, 1963

Application No. _____ of 20____

Applicant/s

Versus

Promoter/s / Opponent/s

To,

The above named Applicant,

1. You have filed an **application** for order under section 5 / 10/ 11 / 13(4) / 13 (5) of the Maharashtra Ownership Flats (Regulations of the Promotion of Construction, Sale, Management and Transfer) Act, 1963(hereinafter referred to as the Act).
2. It does not comply with provisions of the Act, and the rules and notifications made thereunder in the following respects: --

(a) _____

(b) _____

3. You are hereby required to remedy the defects within 15 days of the receipt of this notice by you. If you fail to comply with the requirements as mentioned above within the allowed time period, your application will be rejected and filed accordingly and no claim or request what so ever will be entertained thereafter.

Given under my hand and the seal of the Competent Authority.

By order,

Seal

Competent Authority.

Date:

Part of Form No XI
REQUIRMENTS/ DEFECTS

1. It does not specify the name and address of the Applicant and also those of the Respondent/Opponent as required under Rules
2. It does not bear court fee stamp of Rs.____/- as required under Rules.
3. (a) No Vakalatnama is filed though the memo is signed by the Advocate.

(b) The Vakalatnama does not bear court fee stamp of Rs.____/-

(c) The Vakalatnama is not signed by all Applicants.
4. A certified copy of the Agreement for sale executed with the promoter / builder not filed and also the land documents like 7/12 extract, Title Certificate etc or the building related papers like approved plan, commencement certificate as mentioned in the specified Rules and the Model form is not enclosed.
5. The application is not in the specified form
6. There uncertified copies of Sr. No. ____above are not filed as per Rules.
7. The application is not verified and notarised as required under Rules.
8. Additional copies of _____ application with annexures are required to send to the all the opponents / Promoter as per Rules.
9. A resolution of the Managing Committee/Board of Directors authorizing the /application on behalf of the Society or the company or the group of persons or an extract of the bye-laws authorizing the Applicant to sue or be sued on behalf of the Society is not filed.
10. The parties in the application or the opponent/s are not the same as in the documents submitted with the application.
11. From documents filed, it is noticed that.....days were required for obtaining certified copies. Even after allowing this period the application should have been filed upto.....Hence it is in time/late by.....days.

Delay has neither been explained with documentary proof if any nor justified.

12. (a) The appeal/application suffers from Defect No. ____.
- (b) The application complies with all the requirements under the Rules. It is registered as application under section/rule____ of the Act/Rules. Letter or requisition calling for relevant record put for signature.

Officer of the Competent Authority

FORM NO XII
[SEE RULE 11(9)(d)]

Form of Notice to the concerned parties.

Before the Competent Authority
Application u/s 5/ 10 / 11 /13(4) / 13(5) of Maharashtra
Ownership Flats
(Regulations of the Promotion of construction, Sale,
Management and Transfer) Act, 1963

Application No. _____ of 20__

Applicant/s

Versus

Promoter/s / Opponent/s

To,

The above named Applicant /sand
The Promoter/ Opponent/s and address

1. Take the notice that the above application has been filed by the applicant under section 5/10 /11 /13(4) / 13(5) under the Maharashtra Ownership Flats(Regulations of the Promotion of Construction, Sale , Management and Transfer) Act, 1963 and under the applicable Rules against the Promoter/ Opponents and the entire application with enclosures are attached herewith.
2. The Promoter/ Opponent/s is/are hereby called upon to file his/their written reply on _____at _____time at the office of Competent Authority as his/ their defence in person or through his advocate or his authorized representative and the applicant is advised to collect the reply, if any filed.
3. Considering the written reply received/ not received, the final hearing/ oral argument in the above case has been fixed on_____ at _____.
4. If you do not file the reply or do not appear on the above date or dates, personally or through the duly appointed representative, the matter will be heard and decided ex-parte
5. Given under my hand and the seal of the Competent Authority.

Seal

By order,

Competent

Authority.
Date:

FORM NO XIII
[SEE RULE 11(9)(e)]

Form of Public Notice to be given in the Newspaper to the
concerned parties.

Before the Competent Authority

**Application u/s 5/ 10 / 11 /13(4) / 13(5) of Maharashtra
Ownership Flats**

**(Regulations of the Promotion of construction, Sale,
Management and Transfer) Act, 1963**

ApplicationNo. _____ of 20__

Applicant/s

Versus

Promoter/s /

Opponent/s

PUBLIC NOTICE

1. Take the notice that the above application has been filed by the applicant under section 5/10 /11 /13(4) / 13(5) under the Maharashtra Ownership Flats(Regulations of the Promotion of Construction, Sale , Management and Transfer) Act, 1963 and under the applicable Rules against the Promoter/ Opponents above mentioned.
2. The applicant has prayed for grant of conveyance in respect of _____(description of the property) / registration of the society / Declaration of the flat purchasers in the building constructed on _____(description of the building with address)/ disclosure of information of the funds collected and the amount spent thereof.
3. The Promoter/ Opponent/s is/are or any person / authority wishing to submit any objection, should appear in person or through the authorised representative on_____at _____time before the undersigned together with any documents, he/ she/ they want/s to produce in support of his/her objection /claim/ demand against the above case and the applicant/s is/are advised to be present at that time to collect the written reply, if any filed by the interested parties.
4. If any person/s interested, fails to appear or file written reply as required by this notice, the questions at issue/ application will be decided in their absence and such person/s will have no claim, object or demand whatsoever

against the property for which the conveyance/ declaration / order is granted or the direction for registration of the society is granted to the applicants or any order/ certificate/ judgment is passed against such interested parties and the matter will be heard and decided ex-parte.

5. Given under my hand and the seal of the Competent Authority.

By order,



Competent Authority.

Date:

FORM NO XIV
[SEE RULE 13(i)(a)]

Model Form of judgment / Order u/s 5 of the Act

Before the Competent Authority
Application u/s 5 of Maharashtra Ownership Flats
(Regulations of the Promotion of construction, Sale,
Management and Transfer) Act, 1963

Application No. _____ of 20____

Applicant/s

Versus

Promoter/s /

Opponent/s

1. Whereas the applicant/s Mr_____and Mr/ Mrs _____ is / are the flat purchasers in a building/ project developed by M/s_____ / Mr_____, the builder/ Promoter as provided under Maharashtra Ownership Flats (Regulations of the Promotion of Construction, Sale, Management and Transfer) Act, 1963 (hereinafter referred to as the said Act)
2. The applicant says that the promoter has collected Rs,_____ under various heads for the purpose of maintenance of the building since _____. There are _____ number of flats/ shops / units in the building.
3. The Promoter/ Opponent has failed to provide the true disclosure of the amount collected from the flat purchasers and the manner in which the same has been spent.
4. The applicant/ learned council Mr._____ states that _____(complete written and oral arguments of the applicant / learned council of the applicant to be mentioned here).
5. The Promoter / Opponent has personally / through authorized representative Mr_____ has appeared from time to time and filed the written reply as a defence against the application filed by the applicant/s .
6. The Promoter/ Opponent /the learned council for the promoter/ Opponent _____ states that _____(Complete written and oral arguments of the promoter/ opponent/s or their learned council to be mentioned here)
7. Considering the written statements, oral as well as written arguments of the both the parties and their learned council, I

have to conclude that _____ the submission made by applicant / Promoter / Opponent is not tenable and accordingly, the application filed by the applicant does not have any merit / the contention of the opponent / promoter is not tenable and I have come to the decision that being the promoter, he is duty bound to disclose all the money has collected from the flat purchasers and hence I pass the following order.

Order

I, Mr/ Mrs _____ , a Competent Authority appointed under section 5A of Maharashtra Ownership Flats (Regulations of the Promotion of Construction, Sale, Management and Transfer) Act, 1963 and the powers vested in me under section 5 of the said Act and the Rules made thereunder, hereby direct/ order the promoter / Opponent Mr. _____ and Mr _____ to provide the following information to the applicant within 15 days of passing this order. Failing to comply with this Order, the applicant may approach the competent court to get the necessary offence tried against the promoter / Opponent based on this order.

Given under my hand and the seal of the Competent Authority.

By order,

Seal

Competent Authority.

Date:

Issued to:

1. The applicant
2. Opponent
3. Notice Board

FORM NO XV
[SEE RULE 13(i)(b)]

Model Form of judgment / Order u/s 5 of the Act

Before the Competent Authority
Application u/s 13(4) / 13(5) of Maharashtra Ownership Flats
(Regulations of the Promotion of construction, Sale,
Management and Transfer) Act, 1963

ApplicationNo. _____ of 20____

Applicant/s

Versus

Promoter/s /

Opponent/s

1. Whereas the applicant/s Mr_____and Mr/ Mrs _____ is / are the flat purchasers in a building/ project developed by M/s_____ / Mr_____, the builder/ Promoter as provided under Maharashtra Ownership Flats (Regulations of the Promotion of Construction, Sale, Management and Transfer) Act, 1963 (hereinafter referred to as the said Act)
2. The applicant had filed the case against the promoter/ Opponent in the _____ competent court and the promoter / opponent has been convicted by the said court under the offence committed under the Act.
3. The applicant/ applicant learned council Mr._____ states that _____(complete written and oral arguments of the applicant / learned council of the applicant to be mentioned here).
4. The Promoter / Opponent has personally / through authorized representative Mr_____ has appeared from time to time and filed the written reply as a defence against the application filed by the applicant/s.
5. The Promoter/ Opponent /the learned council for the promoter/ _____ Opponent _____ states that _____(Complete written and oral arguments of the promoter/ opponent/s or their learned council to be mentioned here)

6. Considering the written statements, oral as well as written arguments of the both the parties and their learned council, I have to conclude that _____ the submission made by applicant / Promoter / Opponent is not tenable and accordingly, the application filed by the applicant does not have any merit / the contention of the opponent / promoter is not tenable and I have come to the decision that being the promoter and having convicted under the provisions of the Act and has there are no appeal pending against the above said court, order, I have come to the conclusion that the said promoter / Opponent should not be allowed to construct any building in my jurisdiction and hence I pass the following order.

Order

I, Mr/ Mrs _____ , a Competent Authority appointed under section 5A of Maharashtra Ownership Flats (Regulations of the Promotion of Construction, Sale, Management and Transfer) Act, 1963 and the powers vested in me under section 13(4) / 13(5) of the said Act and the Rules made thereunder, hereby direct/ order the Local Authority not to allow construction of any building by the said promoter / Opponent Mr. _____ and Mr. _____ for a period 5 years commencing on _____ and also inform the compliance thereof to this office immediately on the receipt of this order.

Given under my hand and the seal of the Competent Authority.

By order,



Competent Authority.

Date:

Issued to:

1. The applicant
2. Opponent /s / Promoter
3. Notice Board.
4. Local Authority to do the needful.

FORM NO XVI
[SEE RULE 13(i)(c)]

Model Form of judgment / Order u/s 10 of the Act
Before the Competent Authority

Application u/s 10 of Maharashtra Ownership Flats
(Regulations of the Promotion of construction, Sale,
Management and Transfer) Act, 1963

Application No. _____ of 20____

Applicant/s

Versus

Promoter/s /

Opponent/s

1. Whereas the applicant/s Mr _____ and Mr/ Mrs _____ is / are the flat purchasers in a building/ project developed by M/s _____ / Mr _____ the builder/ Promoter as provided under Maharashtra Ownership Flats (Regulations of the Promotion of Construction, Sale, Management and Transfer) Act, 1963 (hereinafter referred to as the said Act)
2. The applicant has been elected as the chief promoter by the flat purchasers of the said building/s in their meeting held on _____.
3. The applicant says that the promoter has not taken any initiative for formation of the society in spite of many oral and written notice send to the promoter
4. The promoter had collected Rs, _____ towards the society formation charges, share money and the entrance fees as per the clause No _____ of the agreement for sale executed and registered under section 4 of the Act with the flat purchasers from every flat purchasers and the aggregate amount collected under this account is amounted to Rs _____.
5. Promoter has not been maintain the building and other common services in spite of the fact that he had collected or is collecting maintenance charges from every flat purchasers since the flat purchasers have occupied the flats.
6. There are _____ number of flats/ shops / units in the building. Out of this _____ number of flats/ shops / units have already been sold and as a proof of such sale, copy of the agreement, the registration receipt and the stamp duty of such flat purchasers have been produced before me.
7. The applicant/ applicant learned council Mr. _____ states that _____ (complete written and oral arguments of the applicant / learned council of the applicant to be mentioned here).

8. The Promoter / Opponent has personally / through authorized representative Mr_____ has appeared from time to time and filed the written reply as a defence against the application filed by the applicant/s .
9. The Promoter/ Opponent /the learned council for the promoter/ Opponent states that _____(Complete written and oral arguments of the promoter/ opponent/s or their learned council to be mentioned here)
10. Considering the written statements, oral as well as written arguments of the both the parties and their learned council, I have to conclude that _____ the submission made by applicant / Promoter / Opponent is not tenable and accordingly, the application filed by the applicant does not have any merit / the contention of the opponent / promoter is not tenable and I have come to the decision that being the promoter, he is duty bound to register the society as per the provisions of the Act and also the Rules within 4 months from the date of sale of minimum of flats in the building/s and also as provided in the individual agreements registered and executed with the individual flat purchasers and hence I pass the following order.

Order

I, Mr/ Mrs_____, a Competent Authority appointed under section 5A of Maharashtra Ownership Flats (Regulations of the Promotion of Construction, Sale, Management and Transfer) Act, 1963 and the powers vested in me under section 10 of the said Act and the Rules made thereunder, I hereby direct the Deputy Registrar/ Assistant Register , _____Ward/ Taluka, Co-operative Societies, _____, District : _____/ order to register the society under section 9 of the Maharashtra Co-operative Societies Act, 1960 and the Rules made thereunder after completing all the required formalities.

Given under my hand and the seal of the Competent Authority.

By order,

Seal

Competent Authority.

Date:

Issued to:

1. The applicant
2. Opponent / Promoter
3. The Deputy/ Assistant Registrar, _____ Ward/Taluka, C.S. with a direction to register the society as per the Maharashtra Co-operative societies Act, 1960 after completing all the required formalities.
4. Notice Board

FORM NO XVII
[SEE RULE 13(i)(d)]

Model Form of Judgment, Certificate of Unilateral conveyance and
the Order u/s 11 of the Act

Before the Competent Authority

Application u/s 11 of Maharashtra Ownership Flats

(Regulations of the Promotion of construction, Sale,

Management and Transfer) Act, 1963

Application No. _____ of 20____

Applicant/s

Versus

Promoter/s /

Opponent/s

1. Whereas the applicant/s Mr_____and Mr/ Mrs _____ is / are the flat purchasers in a building/ project developed by M/s_____ / Mr_____the builder/ Promoter as provided under Maharashtra Ownership Flats (Regulations of the Promotion of Construction, Sale, Management and Transfer) Act, 1963 (hereinafter referred to as the said Act)
2. The applicant has been elected as the chief promoter by the flat purchasers of the said building/s in their meeting held on _____and was authorised to file an application under section 11 of the Act, to get the declaration submitted/ registered under Maharashtra Apartment Ownership Act, 1970 for management of the building/s. (if Applicable)
3. The applicant says that the promoter has not taken any initiative or steps for preparation and submission of the Declaration under Maharashtra Apartment Ownership Act, 1970 in spite of many oral and written notice send to the promoter. (if Applicable)
4. The promoter had collected Rs,_____ towards the society formation charges, share money and the entrance fees, conveyance charges, declaration submission charges as per the clause No____ of the agreement for sale executed and registered under section 4 of the Act with the flat purchasers from every flat purchasers and the aggregate amount collected under this account is amounted to Rs_____.
5. Promoter has not been maintained the building and other common services in spite of the fact that he had collected or is collecting maintenance charges from every flat purchasers since the flat purchasers have occupied the flats.
6. There are _____ number of flats/ shops / units in the building. Out of this _____ number of flats/ shops / units have already

- been sold and as a proof of such sale, copy of the agreement, the registration receipt and the stamp duty of such flat purchasers have been produced before me.
7. The applicant is the secretary / Chairman / Manager of _____ Co-operative Housing society and has been authorised by the Managing Committee / General body resolution passed on _____ to obtain the conveyance of land and the building in favour of the society or approaching the promoter/ Builder or _____ by making an application under section 11 of the Act.
 8. The applicant/s states that the promoter / Opponent/s / Land owner have failed to execute the conveyance of land and the building and the proportionate share / interest in the building/s in favour of the applicant and have not acted upon in spite of many oral and written notice issued to them to this effect.
 9. The applicant/ applicant learned council Mr. _____ states that _____ (complete written and oral arguments of the applicant / learned council of the applicant to be mentioned here).
 10. The Promoter / Opponent / Land owner has personally / through authorized representative Mr _____ has appeared from time to time and filed the written reply as a defence against the application filed by the applicant/s .
 11. The Promoter/ Opponent / Land owners and the learned council for the promoter/ Opponent / Land owner states that _____ (Complete written and oral arguments of the promoter/ opponent/s or their learned council to be mentioned here)
 12. Considering the written statements, oral as well as written arguments of the both the parties and their learned council, I have to conclude that _____ the submission made by applicant / Promoter / Opponent is not tenable and accordingly, the application filed by the applicant does not have any merit / the contention of the opponent / promoter is not tenable and I have come to the decision that being the promoter, he is duty bound to execute the conveyance in favour of the society/ Company / Apex Body / Federation / Execute a declaration and submit the same under Maharashtra Apartment Ownership Act, 1970 and register before the sub-registrar under the provisions of the Act and also under the Rules within 4 months from the date of sale of minimum of flats in the building/s are sold / convey the land and building within 4 months of formation of the society / company and also as provided in the individual agreements registered and executed with the individual flat purchasers and hence I pass the following order.

CERTIFICATE AND THE ORDER

1. I, Mr/ Mrs _____, a Competent Authority appointed under section 5A of Maharashtra Ownership Flats (Regulations of the Promotion of Construction, Sale, Management and Transfer) Act, 1963 and the powers vested in me under section 11 of the said Act and the Rules made thereunder issue the unilateral conveyance certificate as under..

2. I hereby certify that the applicant / society / Apex Body / Federation is entitled to have unilateral conveyance of land admeasuring _____ bearing city survey No _____ Hissa No. _____ Village _____ District _____ (hereinafter referred to as the said land and the building admeasuring _____ Square feet constructed on the said land and is entitle to get the unilateral deemed conveyance deed prepared and executed and registered as provided under the Rules. To enforce the unilateral conveyance deed in favour of the applicant/ society / Association / Federation / Apex Body, I shall appoint an authorised officer to prepare and execute unilateral conveyance on behalf of the promoter and the opponents/ land owners and register the same under Indian Registration Act, 1908.

Or

2. I hereby certify that the applicant /s / Association is entitled to have unilateral conveyance of land admeasuring _____ bearing city survey No _____ Hissa No. _____ Village _____ District _____ (hereinafter referred to as the said land and the building admeasuring _____ Square feet constructed on the said land and is entitle to get the Declaration prepared and submit the same under Maharashtra Apartment Ownership Act, 1970 and register with the concerned sub-registrar.. To enforce the my order and preparation, execution and registration of declaration under Indian Registration Act, 1908 in favour of the applicant/ Association / Federation / Apex Body, I shall appoint an authorised officer as per the power vested with me under the Rules.

Given under my hand and the seal of the Competent Authority.

By order,

Seal

Competent Authority.

Date:

Issued to:

1. The applicant
2. Opponent / Promoter
3. The concerned sub-registrar with a direction to register the unilateral conveyance deed / Declaration submitted under Maharashtra Apartment Ownership Act, 1970 after completing all the required formalities.
4. The authorised officer to do the needful and to report the compliance thereof to the competent authority.
5. Notice Board

FORM NO XVIII
[SEE RULE 13(i)(d)]

Model Form of Order under Rule 13(i) (d) for appointing the
authorised officer to execute the unilateral conveyance deed/
Declaration

Before the Competent Authority
Application u/s 11 of Maharashtra Ownership Flats
(Regulations of the Promotion of construction, Sale,
Management and Transfer) Act, 1963

Application No. _____ of 20____

Applicant/s

Versus

Promoter/s /

Opponent/s

1. Whereas the applicant/s Mr _____ and Mr/ Mrs _____ is / are the flat purchasers in a building/ project developed by M/s _____ / Mr _____ the builder/ Promoter as provided under Maharashtra Ownership Flats (Regulations of the Promotion of Construction, Sale, Management and Transfer) Act, 1963 (hereinafter referred to as the said Act)
2. The applicant has been elected as the chief promoter by the flat purchasers of the said building/s in their meeting held on _____ and was authorised to file an application under section 11 of the Act, to get the declaration submitted/ registered under Maharashtra Apartment Ownership Act, 1970 for management of the building/s. (if Applicable)
3. The applicant says that the promoter has not taken any initiative or steps for preparation and submission of the Declaration under Maharashtra Apartment Ownership Act, 1970 in spite of many oral and written notice send to the promoter. (if Applicable)
4. The promoter had collected Rs, _____ towards the society formation charges, share money and the entrance fees, conveyance charges, declaration submission charges as per the clause No _____ of the agreement for sale executed and registered under section 4 of the Act with the flat purchasers from every flat purchasers and the aggregate amount collected under this account is amounted to Rs _____.
5. Promoter has not been maintained the building and other common services in spite of the fact that he had collected or is

- collecting maintenance charges from every flat purchasers since the flat purchasers have occupied the flats.
6. There are _____ number of flats/ shops / units in the building. Out of this _____ number of flats/ shops / units have already been sold and as a proof of such sale, copy of the agreement, the registration receipt and the stamp duty of such flat purchasers have been produced before me.
 7. The applicant is the secretary / Chairman / Manager of _____ Co-operative Housing society and has been authorised by the Managing Committee / General body resolution passed on _____ to obtain the conveyance of land and the building in favour of the society or approaching the promoter/ Builder or _____ by making an application under section 11 of the Act.
 8. The applicant/s states that the promoter / Opponent/s / Land owner have failed to execute the conveyance of land and the building and the proportionate share / interest in the building/s in favour of the applicant and have not acted upon in spite of many oral and written notice issued to them to this effect.
 9. The applicant/ applicant learned council Mr. _____ states that _____(complete written and oral arguments of the applicant / learned council of the applicant to be mentioned here).
 10. The Promoter / Opponent/ Land owner has personally / through authorized representative Mr _____ has appeared from time to time and filed the written reply as a defence against the application filed by the applicant/s .
 11. The Promoter/ Opponent /Land owner , the learned council for the promoter/ Opponent / Land owner states that _____(Complete written and oral arguments of the promoter/ opponent/s or their learned council to be mentioned here)
 12. I have considered the written statements, oral as well as written arguments of the both the parties and their learned council/s.
 13. On the basis of above, I have to conclude that _____ the submission made by applicant / Promoter / Opponent is not tenable and accordingly, the application filed by the applicant does not have any merit and the application need to be rejected. Hence I pass the following order.

Or

On the basis of above, I have to conclude that the contention of the opponent / promoter / Land Owner is not tenable and and I have come to the decision that being the promoter, he is duty bound to execute the conveyance in favour of the society/

Company / Apex Body / Federation / Execute a declaration and submit the same under Maharashtra Apartment Ownership Act, 1970 and register before the sub-registrar under the provisions of the Act and also under the Rules within 4 months from the date of sale of minimum of flats in the building/s are sold / convey the land and building within 4 months of formation of the society / company and also as provided in the individual agreements registered and executed with the individual flat purchasers and hence I pass the following order.

THE ORDER

1. I, Mr/ Mrs _____ , a Competent Authority appointed under section 5A of Maharashtra Ownership Flats (Regulations of the Promotion of Construction, Sale, Management and Transfer) Act, 1963 and the powers vested in me under Rules _____ of the said Rules appoint Mr. _____ as an authorised officer to executed and admit the execution of unilateral conveyance deed on behalf of the promoter / Land owner / Opponents who have failed to execute the conveyance deed or submit the declaration under Maharashtra Apartment Ownership Act, 1970, as per the certificate issued by me under the power vested in me under section 11 of the Act.

2. I hereby authorize Mr. _____to execute a unilateral conveyance deed or a declaration to convey, transfer all / (mention the description of the building having exclusive rights and the percentage of undivided interest in the Layout Plot description) the rights, title and the interest in land admeasuring _____ bearing city survey No _____ Hissa No. _____ Village _____ District _____(hereinafter referred to as the said land) and the building admeasuring _____ Square feet constructed on the said land and other structures, common areas and the facilities on the said land in favour of the applicant.

Given under my hand and the seal of the Competent Authority.

By order,

Seal

Competent Authority.

Date:

Issued to:

1. The applicant
2. Opponent / Promoter

3. The concerned sub-registrar with a direction to register the unilateral conveyance deed / Declaration submitted under Maharashtra Apartment Ownership Act, 1970 after completing all the required formalities.
4. Mr._____, an authorized officer to do the needful and to report the compliance thereof to the competent authority.
5. Notice Board

FORM XIX
[SEE RULE 13(i)(e)]

Model Form of Letter to be addressed to Sub-Registrar of
assurance for registration of Conveyance deed executed u/s 11 of
the Act

From: _____,

officer appointed by
The Competent Authority,

Authorised

Address: _____

Date:

To,
The Sub-Registrar,

Dear Sir,

Sub: Registration of Conveyance deed

Ref. Application No _____ of _____ filed
Before the Competent Authority
u/s 11 of Maharashtra Ownership Flats
(Regulations of the Promotion of construction, Sale,
Management and Transfer) Act, 1963

Applicant/s
Versus
Promoter/s / Opponent/s

I have to state that, the applicant had filed an application under section 11 of the Maharashtra Ownership Flats(Regulations of the Promotion of construction, Sale, Management and Transfer) Act, 1963 to get the certificate of unilateral conveyance to transfer the land and building in favour of the applicant. The matter was heard and the competent Authority was pleased to issue the Unilateral conveyance certificate in favour of the society and authorized me to execute the conveyance deed on behalf of the Land owner / Promoter who have failed comply with the statutory obligation cast on them.

I am ,therefore ,forwarding you herewith the Original Conveyance Deed duly signed by me and on behalf of the

Promoter / Land owner / Opponents as vendor / Confirming Party
in the above case for registration.

In this connection I have to further state that by section 88 of the Registration Act, 1908, its provided that Government officers and Certain public functionaries need not appear in person or in any proceedings connected with the registration of instruments executed by them in their official capacity and that in such cases reference may be made to the office for information.

In view of the above provision, the Authorised officer of the Competent Authority being Government Officer and the instrument is required to be registered in the official capacity is exempted from appearing before the office of the Sub-Registrar of assurance for admitting the execution. You are requested to get the Deed of conveyance registered in accordance with the Registration Act,

Yours faithfully

Encl: Original Conveyance deed (Authorised officer)
Appointed by the Competent Authority.

By order and in the name of the Governor of Maharashtra,

(Sitaram Kunte)
Secretary to Government

STATEMENT OF OBJECTS AND REASONS

The Maharashtra Ownership Flats (Regulation of the promotion of Construction, Sale, Management and Transfer) Rules 1964 were framed under the Maharashtra Ownership Flats (Regulation of the promotion of Construction, Sale, Management and Transfer) Act, 1963 and were amended from time to time to give effect and true interpretation to the various provisions of the said Act.

2. The Act and the Rules were made to effectively prevent the sundry abuses and malpractices of the promoters or developers of the properties, which were brought to the notice of the State Government, during the time when there was acute shortage of housing in the several areas of the State. After a lapse of more than four decades, the housing activities have been stabilized to a great extent, though there is a need of continuous control and monitoring of these activities.

3. It has been now observed by the State Government that the said Act and Rules were not effective in protecting the interest of the flat purchasers and the promoter used to avoid the statutory obligation cast on them under one or the other pretext.

4. To protect the interest of the flat purchasers and to implement the spirit of the law certain amendments were done in the Act and a competent authority has been appointed to hear the complaints of the aggrieved flat purchasers and to implement the decision thereof.

5. To implement such amendments in the Act, required amendments are made in the Rules describing the details of the functions of the Competent Authority, procedure to pass necessary order for directing the registrar to register the society or appointment of authorised officer to execute and register the conveyance deed in favour of the applicant/ Federation / Society

or submitting the Declaration which were not carried out by the promoter in spite of making the provisions in the Act and the Rules.

III

6. The important amendments proposed to be carried out are as follows:

- a) Inclusion of various definitions.
- b) Rules for making the application under section 5,10,11, 13(4) and 13(5) and the court fees to be affixed and the documents to be attached with the application
- c) The manner of hearing the application by the competent authority
- d) Various model forms to be filed before the competent authority and model forms of notice, order, judgment and the certificate to be issued by the competent authority or his authorised officer who would execute the conveyance deed or the declaration on behalf of the promoter/ land owner who have failed to discharge their duties as provided under the Act and the Rules.